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Atty. Docket No.: 8727/2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Granada et al.

Examiner: Gherbi, Suzette  
Jaime J.

Serial No.: 10/672,679

Filed: September 26, 2003

Group Art Unit: 3738

Titled: Apparatus and Method for Delivery of  
Mitomycin Through an Eluting  
Biocompatible Implantable Medical  
Device

Conf. No.: 9812

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

David J. Dykeman

Name of Person Mailing

*David J. Dykeman*  
Signature of Person Mailing Paper

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Restriction Requirement and Preliminary Amendment;
2. Preliminary Amendment Transmittal; and
3. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 8727/2002. A duplicate of this transmittal letter is enclosed for this purpose.

Date: July 21, 2005

Respectfully Submitted,

*David J. Dykeman*

Name: David J. Dykeman

Registration No.: 46,678

Customer No.: 29932

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100



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## PRELIMINARY AMENDMENT TRANSMITTAL LETTER

Sir:

- Transmitted herewith is an Preliminary Amendment in response to the Restriction Requirement mailed on June 23, 2005 in the above-referenced patent application.

## STATUS

- Applicant is  
☒ a small entity.  
☐ other than small entity.

## EXTENSION OF TIME

- The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

<input type="checkbox"/>	Applicant petitions for an extension of time under 37 CFR 1.136		
	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	ONE month	\$120.00	\$60.00
<input type="checkbox"/>	TWO months	\$450.00	\$225.00
<input type="checkbox"/>	THREE months	\$1,020.00	\$510.00
<input type="checkbox"/>	FOUR months	\$1,590.00	\$795.00
<input type="checkbox"/>	FIVE months	\$2,160.00	\$1,080.00
		Fee	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

- (a) ☐ An extension for \_\_\_\_\_ has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS AMENDED						
	(1)	(2)	(3)			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	104	minus	104	0	x \$50	0.00
INDEPENDENT CLAIMS	6	minus	6	0	x \$200	0.00
MULTIPLE DEPENDENT CLAIM ADDED	No				\$360	0.00
				<b>TOTAL</b>		<b>0.00</b>
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2 and enter amount here.				<b>SMALL ENTITY TOTAL</b>		<b>0.00</b>

- (c) ☒ No additional fee for claims is required.

**OR**

- (d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

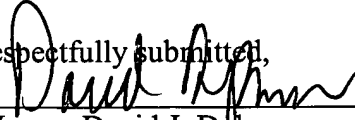
### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_

☐ Charge the amount of \$ \_\_\_\_\_ to Deposit Account No. 16-0085, Reference  
No. \_\_\_\_\_ and any additional necessary fees. A duplicate of this  
transmittal is attached.

Date: July 21, 2005

Respectfully submitted,



Name: David J. Dykeman

Registration No.: 46,678

Customer No.: 29934

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

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**RESPONSE TO RESTRICTION REQUIREMENT AND  
PRELIMINARY AMENDMENT**

Sir:

In response to the Restriction Requirement dated June 23, 2005, Applicants elect  
**Group I (Claims 1-15, 78-95 and new claims 105-175)** for prosecution on the merits, with  
traverse.

This paper is supplemental to our filing of September 26, 2003. Applicants believe that  
no fee is due with this filing; however, please charge any necessary fees required in connection  
with the paper transmitted herewith to Deposit Account No. 16-0085, Reference No.:  
8727/2002.

**Amendments to the Claims** are shown in the "Listing of the Claims" which begins on  
page 2 of this paper.

**Remarks** begin on page 18 of this paper.

Applicants respectfully request entry of the amendments and remarks.